

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

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IN THE MATTER OF:

CASE NO. BK 13-40411  
CHAPTER 11

GREAT PLATTE RIVER ROAD  
MEMORIAL FOUNDATION,

Debtor.

**DECLARATION OF SHARMOND  
LOEFFLER IN SUPPORT OF  
DEBTOR'S UTILITY MOTION**

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SHARMOND LOEFFLER, ("Declarant") of lawful age and under the authority of 28 U.S.C. §1746, hereby declare and state the following in connection with the above-captioned matter.

1. I am the Business Manager of the Great Platte River Road Memorial Foundation, which is the Debtor herein (the "Foundation"). I am personally familiar with the Foundation's day-to-day affairs, and with the property it owns. I have personal knowledge of its business activities, and of the matters set forth herein. The Foundation is a non-profit company. The Foundation operates what is sometimes referred to as the "Kearney Archway" which spans U.S. Interstate 80 outside of Kearney. It is a tourism attraction which also provides educational, cultural and historical services and related community services.

2. In the normal course of its business, the Foundation uses electricity, water, telephone, gas and other utility services provided by Nebraska Public Power District ("NPPD") and the City of Kearney, Nebraska (the "City").

3. Until recently, the Foundation has made timely payments to NPPD and the City. However, at the time the case was filed, two monthly bills provided by NPPD were

unpaid and one monthly bill to the City was unpaid. The approximate average monthly bill from NPPD equals \$10,000.00. The approximate average bill from the City is \$283.00.

4. The Foundation received a demand from NPPD in which NPPD demanded the Foundation provide a \$36,000.00 deposit.

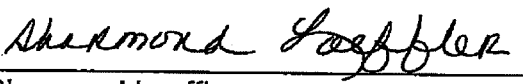
5. The Foundation received a communication from the City in which the City threatened to shut off service if one or more pre-petition bills are not paid.

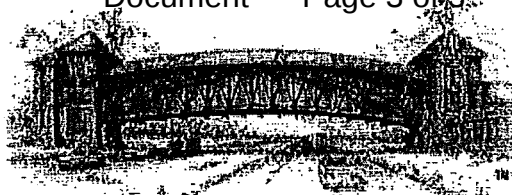
6. On or about March 25, 2013, the Foundation delivered a letter enclosing a \$10,000.00 cashier's check to NPPD as a deposit (the "Letter"). The \$10,000.00 payment represents the approximate average monthly bill the Foundation has incurred from NPPD. A true and correct copy of the Letter is attached hereto as Exhibit "A".

7. Continuing utility services to the Foundation is essential to its ability to sustain operations. An interruption of utility services, no matter how brief, would severely disrupt, and possibly terminate the Foundation's business operations.

8. Foundation intends to pay all post-petition obligations, including utility bills, as billed and when due.

FURTHER DECLARANT SAITH NOT.

  
Sharmond Loeffler



THE GREAT PLATTE RIVER ROAD MEMORIAL FOUNDATION

March 25, 2013

Nebraska Public Power District  
900 4<sup>th</sup> Ave  
PO Box 2170  
Kearney NE 68848-2170

Re: Deposit for Great Platte River Memorial Foundation

Dear Sir:

You have asked us for a deposit for our service of \$36,000. Based on our prior usage, we feel that number is too high. Our average NPPD bills for the last year have been in the area of \$10,000 a month. We therefore propose a \$10,000.00 deposit, and a check in that amount is enclosed as adequate assurance of our future performance.

Our attorney will be filing a motion with the court to bring the issue of the adequacy of our deposit before the court. You will be sent a copy of the motion. If you have questions or want to discuss this matter further, please contact our attorney, Randy Wright, at the Baird Holm law firm (402) 636-8228.

Sincerely,

Sharm Loeffler  
Business Manager

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